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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,034	02/23/2004	Rudy Jan Maria Pellens	081468-0308407	3791
909 7590 05/14/2008 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102				
EXAMINER				
QUINTO, KEVIN V				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/783,034

Applicant(s)

PELLENS, RUDY JAN MARIA

Examiner

Kevin Quinto

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-21 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20, 21 and 25 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 6, 7, 13 and 16-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed February 4, 2008 have been fully considered but they are not persuasive. The arguments concerning the scale of figures 1a-1e of Lee (USPN 5,920,610) have not been found to be persuasive since the prior art rejection was not based on the scale of the first layer (2) and the second layer (3). The first layer of radiation sensitive material (2) has a dose size which is greater than that of the dose size of the second layer of radiation sensitive material (3) since the exposed portion of the second layer of radiation sensitive material (3) is greater (meaning more of it was removed) than the exposed portion of the first layer of radiation sensitive material (2) after a single exposure step (see figure 1c). This is evident from the figures and is not based on scale since Lee's goal is to attain a T-shaped molding pattern for gate deposition. The applicant argues that In re Aller is not applicable in this situation. The examiner respectfully disagrees. It is clear that Lee uses radiation sensitive materials which each have inherent dose sizes and thus Lee discloses the general conditions of claim 1. Based on this fact, In re Aller is applicable in this situation and therefore adjusting the dose size is a matter of routine experimentation. Thus the rejection of claims 1-5, 8, 10-12, 14, 15, and 24 under 35 USC § 103 as being unpatentable over Lee (USPN 5,930,610) and of claim 23 further in view of Ahmed et al. (United States Patent Application Publication No. US 2004/0056304 A1) and Kazama et al. (United

States Patent Application Publication No. US 2002/0034872 A1) made in the previous Office action stands.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 8, 10, 11, 12, 14, 15, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (USPN 5,930,610).

4. In reference to claim 1, Lee (USPN 5,930,610) discloses a device manufacturing method which meets the claim. Figures 1a-1e illustrate a substrate (1) with a first layer of electromagnetic radiation sensitive material (2) provided on it. A second layer of electromagnetic radiation sensitive material (3) is provided on the first layer of radiation sensitive material (32). The first (2) and second (3) layers of electromagnetic radiation sensitive material have a same tonality. The first layer of radiation sensitive material (2) is of a different material than the second layer of radiation sensitive material (3). Figure 1b shows that a beam of electromagnetic radiation is provided using an illumination system. The beam of radiation is imparted with a desired pattern in its cross-section by employing a patterning device and projected onto a target portion of the substrate (1) to expose both the first (2) and second (3) layers of radiation sensitive material. Lee does not explicitly state that the first layer of radiation sensitive material (2) has a dose size of

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at least approximately 1.5 times the magnitude of the dose size of the second layer of radiation sensitive material (3). However it is clear that the first layer of radiation sensitive material (2) has a dose size which is greater than that of the dose size of the second layer of radiation sensitive material (3) since the exposed portion of the second layer of radiation sensitive material (3) is greater than the exposed portion of the first layer of radiation sensitive material (2) after a single exposure step (see figure 1c). The examiner would like to note:

"[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

Therefore claim 1 is not patentably distinguishable over the Lee reference.

5. With regard to claim 2, Lee does not explicitly state that the first layer of radiation sensitive material (2) has a dose size of at least approximately 1.5 times to 2.5 times the magnitude of the dose size of the second layer of radiation sensitive material (3). However it is clear that the first layer of radiation sensitive material (2) has a dose size which is greater than that of the dose size of the second layer of radiation sensitive material (3) since the exposed portion of the second layer of radiation sensitive material (3) is greater than the exposed portion of the first layer of radiation sensitive material (2) after a single exposure step (see figure 3D). The examiner would like to note:

"[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

Therefore claim 2 is not patentably distinguishable over the Lee reference.

6. In reference to claim 3, the first layer (2) is thinner (column 1, lines 35-37) than the second layer (3).

7. With regard to claim 4, Lee discloses that the first layer (2) is 0.1 microns or 100 nm and the second layer (3) is 0.9 microns 900 nm.
8. In reference to claim 5, the first and second materials are substantially immiscible.
9. With regard to claim 8, the first and second materials have different solvents.
10. With regard to claim 10, the first (2) and second (3) layers are positive radiation sensitive.
11. In reference to claim 11, the first (2) and second (3) layers are developed to remove portions which are exposed.
12. With regard to claim 12, the removed portion of the first layer (2) is smaller than the removed portion of the second layer (3).
13. In reference to claim 14, a first layer of metal (4a) is deposited onto the substrate (31).
14. With regard to claim 15, the first (2) and second (3) layers are lifted off to leave a T-gate (4a) on the substrate (1).
15. In reference to claim 24, the method is a process for the manufacture of an integrated circuit having a T-gate.
16. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (USPN 5,930,610) in view of Ahmed et al. (United States Patent Application Publication No. US 2004/0056304 A1).
17. With regard to claim 23, Lee does not disclose the use of GaAs, GaN, or InP as the substrate material. However Ahmed et al. (United States Patent Application

Publication No. US 2004/0056304 A1, hereinafter referred to as the "Ahmed" reference) discloses that these materials are well known semiconductor substrate materials (p. 2, paragraph 27). The applicant is reminded in this regard that it has been held that mere selection of known materials generally understood to be suitable to make a device, the selection of the particular material being on the basis of suitability for the intended use, would be entirely obvious. In re Leshin 125 USPQ 416. Therefore claim 23 is not patentable over the Lee and Ahmed references.

18. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (USPN 5,930,610) in view of Kazama et al. (United States Patent Application Publication No. US 2002/0034872 A1).

19. With regard to claim 23, Lee does not disclose the use of SiGa as the substrate material. However Kazama et al. (United States Patent Application Publication No. US 2002/0034872 A1, hereinafter referred to as the "Kazama" reference) discloses that this material is a well known semiconductor substrate material (p. 7, paragraph 103). The applicant is reminded in this regard that it has been held that mere selection of known materials generally understood to be suitable to make a device, the selection of the particular material being on the basis of suitability for the intended use, would be entirely obvious. In re Leshin 125 USPQ 416. Therefore claim 23 is not patentable over the Lee and Kazama references.

Allowable Subject Matter

20. Claims 20, 21, and 25 were allowed in the previous Office action.

21. Claims 6, 7, 13, and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
22. The following is a statement of reasons for the indication of allowable subject matter: the reasons for allowance were cited in the previous Office action.

Conclusion

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quinto whose telephone number is (571) 272-1920. The examiner can normally be reached on M-F 8AM-5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Purvis can be reached on (571) 272-1236. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin Quinto/
Examiner, Art Unit 2826

/A. Sefer/
Primary Examiner
Art Unit 2826